

IN THE UNITED STATES DISTRICT FOR THE MIDDLE DISTRICT OF TENNESSEE,  
NASHVILLE DIVISION

Country Music Association Inc.,

Plaintiff,

v.

John Does 1-30, Jane Does 1-30 and  
ABC Companies 1-30, all unknown individuals  
and business entities, inclusive,

Defendants.

Docket No. 3:10-cv-567

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**TEMPORARY RESTRAINING ORDER; ORDER AUTHORIZING SEIZURE OF  
MERCHANDISE; AND NOTICE OF HEARING ON PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

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This civil action is before the Court upon the verified complaint of the Plaintiff for injunctive relief and damages for violations of the Lanham Federal Trademark Act, the Plaintiff's motion for a temporary restraining order and preliminary injunction; the Plaintiff's memorandum of law in support of its motion; the affidavit of Carl Gibbs; and the certificate of Plaintiff's counsel of record from all of which the Court finds as follows:

That the Defendants have sold and are about to sell and distribute counterfeit merchandise including t-shirts bearing the CMA Music Festival trademark of the Plaintiff and related indicia and logos as set forth in the complaint and affidavit, and that the Defendants will continue to do so in violation of the Lanham Federal Trademark Act unless they are restrained and enjoined by order of this Court;

That the Plaintiff will suffer immediate and irreparable injury, loss and damage before it can identify and give notice to the Defendants and their attorneys and before the Defendants and

their attorneys can be heard in opposition to the Plaintiff's motion for a temporary restraining order and preliminary injunction; because the Defendants are preparing to distribute and sell counterfeit merchandise described in the Plaintiff's complaint and the affidavit of Carl Gibbs; and that unless the Defendants are enjoined from distributing and selling counterfeit merchandise, the Plaintiff will suffer immediate and irreparable injury and harm in the form of lost income, interference with its ability to sell authentic and official CMA Music Festival merchandise; likelihood of confusion and actual confusion in the marketplace regarding the source of merchandise and the goodwill reputation of Plaintiff and the value of its trademarks;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. That the Defendants, their true identity being unknown, are hereby given notice that United States District Judge Haynes will hold a hearing in Courtroom 845 A of the United States District Court for the Middle District of Tennessee located at 501 Broadway, Nashville TN at 10:00 am .m. on June 25, 2010 or as soon thereafter as counsel can be heard on the Plaintiff's motion for a preliminary injunction enjoining the Defendants from manufacturing, distributing, selling or holding for sale any t-shirts or other merchandise bearing the CMA Music Festival trademark, indicia or logos or any variation thereof.

2. That pending the hearing on the Plaintiff's motion for a preliminary injunction, Defendants, their agents, servants, employees, officers, attorneys, and all other persons, firms or corporations acting in concert with them, be and they are hereby temporarily restrained from manufacturing, distributing, selling, offering for sale, holding for sale, or advertising any products, merchandise or goods bearing the trademark, indicia or logos of the Plaintiff or any colorable variation or imitation thereof.

3. That pursuant to 15 USC § 1116(a), the United States Marshall for the Middle District of Tennessee, any on-duty or off-duty police officer of the Metropolitan Nashville and Davidson County police and any Sheriff or Deputy Sheriff of Davidson County be and they are hereby authorized to seize and impound any and all merchandise bearing the CMA Music Festival trademarks, indicia or logos not authorized for manufacture, distribution and sale by the Plaintiff which any of the Defendants are attempting to sell, selling, or holding for sale in any carton, container, vehicle or by any other means beginning upon the date and time this order is entered and ending at noon on Monday, June 14, 2010 in the vicinity of Nashville, Davidson County, Tennessee, including any venues at which any performances, appearances or other activities of the CMA Music Festival are presented.

4. That this order be and is hereby conditioned on the Plaintiff filing with the Clerk of this Court an undertaking in the form of a bond the amount of \$ 10,000 to secure the payment of such costs and damages not to exceed such sum as may be suffered or sustained by any party who is found to be wrongly restrained hereby.

5. That the Plaintiff be and is hereby authorized and directed to advance to any law enforcement officer serving and enforcing this order sum as may be required to cover fees customarily charged for those services.

6. That a service copy of this order with the complaint made upon any of the Defendants by the United States Marshall, police officer of the Metropolitan Nashville and Davidson County police and any Sheriff or Deputy Sheriff of Davidson County or by any person over the age of eighteen years not a party to this action selected for that purpose by the Plaintiff, at the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient.

7. That the process server shall offer a receipt to each person from whom *and the Plaintiff and its*

merchandise is seized pursuant to the provisions of this order. *agents shall maintain tag and preserve all merchandise seized*

8. That each and every Defendant served with a copy of this order is directed to identify himself or herself to the process server or law enforcement officer for the purposes of identifying each Defendant so served.

*[Signature]*  
United States District Court Judge

*6-9-16  
at 5:32pm.*

APPROVED FOR ENTRY:

*[Signature]*

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*pending the preliminary injunction motion*